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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 2010 - 423
12 ⁻	THERESA TOTANI, AKA THERESA K.
13	TOTANI 1158 26th St., #703 ACCUSATION
14	Santa Monica, CA 90403 Registered Nurse License No. 442676
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen
21	of Consumer Affairs (Board).
.22	2. On or about August 31, 1989, the Board issued Registered Nurse License No. 442676
23	to Theresa Totani (Respondent). The Registered Nurse License was in full force and effect at all
24	times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board under the authority of the following
27	laws. All section references are to the Business and Professions Code unless otherwise indicated
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STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 8. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

REGULATORY PROVISION

9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health,

COST RECOVERY

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

- 11. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that on or about June 30, 2003, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidences her present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare. The circumstances of the conviction are as follows:
- a. On or about June 30, 2003, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 487(a) [Grand Theft, to wit, \$193,012.53 from Saint John's Hospital and Health Center] in the criminal proceeding entitled *The People of the State of California v. Theresa Totani* (Super. Ct. Los Angeles County, 2003, No. SA047560). On or about September 10, 2008, the Court made findings that restitution to the victim was paid in full, and placed Respondent on three (3) years probation. On or about October 2, 2008, the Court terminated Respondent's probation, set aside the findings, vacated the plea, entered a plea of not guilty, and dismissed the proceeding pursuant to Penal Code section 1203.4.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that during the years 1999, 2000, 2001 and 2002, Respondent committed acts of unprofessional conduct while employed as a registered nurse at Saint John's Hospital and Health Center when she overstated her timesheets for time worked and received \$193,012.53 of unearned

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1	compensation. Complainant refers to and by this reference incorporates the allegations set forth
2	above in paragraph 11, subdivision a, inclusive, as though set forth fully.
3	PRAYER
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5	and that following the hearing, the Board issue a decision:
6	1. Revoking or suspending Registered Nurse License No. 442676, issued to Respondent
7	Theresa Totani, aka Theresa K. Totani;
8	2. Ordering Respondent Theresa Totani, aka Theresa K. Totani to pay the Board the
9	reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
10	3. Taking such other and further action as deemed necessary and proper.
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13.	DATED: 3/11/10 Starre Benn
14	LOUISE R. BAILEY, M.ED., RN Interim Executive Officer Board of Registered Nursing
15	Department of Consumer Affairs State of California
16	Complainant
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